

Message

From: Siegal, Tod [Siegal.Tod@epa.gov]
Sent: 11/5/2020 9:14:09 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]
CC: Creswell, Michael [Creswell.Michael@epa.gov]
Subject: RE: FL Assumption - draft PA

That would be okay by me, but I defer to others who are closer to the matter and may have a better understanding of the direction. I wouldn't want us to be reopening issues where principals feel they've given direction.

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Thursday, November 05, 2020 4:11 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Thanks Tod for those helpful comments/observations. Admittedly, the information I received on Dave's direction was third hand and didn't provide much detail. For the two substantive issues you raise, maybe we can include comment bubbles to senior leadership where we raise the points you make in this email. What do you think about that approach?

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Thursday, November 5, 2020 3:06 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

This version seems to implement the direction you received; I don't have any edits.

Ex. 5 AC/DP

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Tod Siegal
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From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, November 05, 2020 2:47 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Looks fine to me. Thanks.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Thursday, November 5, 2020 1:53 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Tod and Simma,

Attached is an updated version of the PA based on the changes/comments you provided today and Dave's recent direction on the undertaking, termination, and expiration issues. Please let me know if you have any changes. If not, I plan to send along to management.

Thanks,

Matt

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, November 5, 2020 11:34 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Sorry about that!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Thursday, November 5, 2020 11:31 AM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Thanks Tod and Simma. Simma, can you resend your minor suggested tweaks because it doesn't look like the file was attached? FYI that Jeaneanne reported out that we did receive direction from Dave on the PA:

1.
2. **Ex. 5 Deliberative Process (DP)**
3.

Once Simma sends me her suggested tweaks I'll revise the PA consistent with Dave's direction and send a new version out for your quick review. I don't think we'll need a call to go over but please let me know if you think otherwise.

Thanks,

Matt

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Thursday, November 5, 2020 10:39 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

I don't have any comments. Before sending up the chain, I suggest cleaning up/deleting any unnecessary bubble comments (in particular, I assume you can delete the bubble attached to the Termination section that has the draft language you were considering). Thanks.

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, November 05, 2020 10:23 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Here are just a few minor suggested tweaks. Thanks for your attention.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Thursday, November 5, 2020 7:23 AM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: FW: FL Assumption - draft PA

Tod and Simma,

Just checking in to see if you had any comments/changes on the attached version? Also, curious if either of you heard how Dave's meeting with the ACHP went yesterday? Assuming we haven't received any direction from Dave following his meeting, I recommend us sending this version up through our respective managements so that we can get it into the hands of Dave, David, and Mary asap.

Thanks,

Matt

From: Hicks, Matt
Sent: Tuesday, November 3, 2020 10:03 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Tod and Simma,

I realize Dave is meeting with the ACHP tomorrow and that we will likely receive more direction from him following the meeting but I wanted to send you an updated version of the draft PA that hopefully captures what we discussed this afternoon at 1:00 and the input we received from Dave on our 2:00 bi-weekly.

Thanks,

Matt

From: Hicks, Matt
Sent: Tuesday, November 3, 2020 8:19 AM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Thanks Tod. See my initial responses below in blue. It looks like the earliest you, Simma, and I can talk is 12:30 this afternoon (Michael is on leave today). I'll send a scheduler out in a moment.

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Monday, November 2, 2020 11:50 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: RE: FL Assumption - draft PA

Thanks Matt. I took a look. I had a few thoughts/questions (listed below) on the final section re: termination. It might be worth discussing for a few minutes. I'm available after 10:00 on Tuesday, if that works for you and others.

Ex. 5 AC/DP

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
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From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Monday, November 02, 2020 11:09 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Creswell, Michael <Creswell.Michael@epa.gov>
Subject: FL Assumption - draft PA

Tod and Simma,

See attached the ACHP's latest version of the draft PA with ORC's comments/edits. For some reason, the document would not let me track ORC's changes separate from ACHP's. As a result, I have comments indicating which edits are ORC's. Sorry for any confusion.

We're hoping you can take a look before tomorrow's 2pm bi-weekly with Dave Ross.

Thanks,

Matt